

# EXHIBIT 33

April Townley

January 27, 2006

Reno, NV

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UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

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In Re: PHARMACEUTICAL, ) MDL DOCKET NO.

INDUSTRY AVERAGE WHOLESALE ) CIVIL ACTION

PRICE LITIGATION ) 01CV12257-PBS

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)

THIS DOCUMENT RELATES TO: )

ALL ACTIONS )

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DEPOSITION OF APRIL TOWNLEY

JANUARY 27, 2006

RENO, NEVADA

REPORTED BY: AMY JO TREVINO, CCR #825, CSR #5296, RPR

COMPUTER-ASSISTED TRANSCRIPTION BY: CASE CATALYST

Henderson Legal Services  
(202) 220-4158

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1 State Mental Health Program, and I'm not sure about  
2 whether she did any private, and at State Mental  
3 Health I don't think she would have been, it would  
4 have just been ordering drugs, so I don't know her  
5 role as far as that.

6 Q. So you say she worked with the State Mental  
7 Health Program, the State Mental Health Program had  
8 its own program for acquiring prescription drugs?

9 A. Yes, they only dispense certain drugs and  
10 so they, when they went out and got the best price,  
11 based on what, I don't know their methodology but  
12 they went out actually on a best price for the drug  
13 is what I remember.

14 Q. And who, do you recall who at the  
15 Department of Mental Health Services would have been  
16 involved in that process of finding out the best  
17 price?

18 A. No, I don't. I'm not real clear on their  
19 whole program. I just know that it was different  
20 than ours in that sense, and so I really, that's a  
21 little aside, you know, that I really don't know  
22 enough to be speaking to.

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1 Q. Do you know if, just to finish the thought  
2 on the Department of Mental Health Services, are they  
3 within the same organizational umbrella as Medicaid  
4 or are they under their own department? What is the  
5 relationship between the Department of Mental Health  
6 Services and Medicaid?

7 MS. BRECKENRIDGE: Today?

8 MR. DOVE: No, during her tenure.

9 THE WITNESS: I don't know today, but  
10 basically we were, both were divisions within the  
11 Department of Human Resources, so we purchased a lot  
12 of services from them and so our relationship with  
13 them was more like they were a provider, and you  
14 know, and then I'm not sure what happened with the  
15 director's office, with the administrators I can't  
16 speak to.

17 Q. But was there one administrator overseeing  
18 both the Medicaid Program and the Mental Health  
19 Program?

20 A. Yes.

21 Q. Ms. Townley, are you aware that the State  
22 of Nevada received rebates from manufacturers for

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1 distributed some of the vaccines, and then they had  
2 some other public health programs that I think had a  
3 direct component to it. And that's all I remember.

4 Q. Did Nevada Medicaid ever compare the prices  
5 of which other agencies were purchasing drugs with  
6 the price at which Medicaid was reimbursing  
7 pharmacies and providers?

8 A. Laurie did that, uh-huh.

9 Q. Do you recall Laurie talking to you about  
10 this?

11 A. Uh-huh.

12 Q. What do you recall from that conversation?

13 A. Well, she and I were talking about whether  
14 there was a possibility of you know, using the same  
15 kind of system that mental health did for acquiring  
16 certain basic drugs and you know, the issue became  
17 one of distribution, how do you do that and we  
18 weren't a pharmacy and we weren't set up to be a  
19 pharmacy so we would have to purchase the drugs and  
20 still find a pharmacy that would be willing to  
21 dispense it. So we were just talking about those  
22 kind of logistical problems and then I retired. Just

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1       in time. But she had, and she brought up the  
2 information to me showing, and she had even talked to  
3 the mental health people and they were very willing  
4 to work with us.

5           Q. Do you know whether the State ever had any  
6 communication with Venicare or the Florida Keys?

7           A. I'm not aware that we did. But I don't,  
8 you know, I wasn't made aware of every communication,  
9 but to my knowledge we were not.

10          Q. What is the procedure for amending the  
11 pharmacy dispensing fee?

12          A. Okay, I can just tell you about what it was  
13 like when I was there, when I left, but what we would  
14 do there was, we had to send things out for public  
15 review so what would happen would be that the State  
16 would come up with an alteration, change, and more  
17 than likely would have incorporated it into their  
18 budget projections, then that would have gone through  
19 the budget office and that would have gotten its  
20 approval, and then there would have also been  
21 correspondingly at the same time going out for public  
22 review or maybe before it went to the budget office